

Municipal Franchise (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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SCHEDULE.

A

B I L L

TO

Amend the Law relating to the Municipal Franchise in A.D. 1888.
Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

6 **1.** This Act may be cited for all purposes as the Municipal Franchise Amendment (Ireland) Act, 1888. Short title of Act.

2. In this Act the word "borough" shall mean any borough named in the Schedule (A.) to the Act of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight (herein-after referred to as "the said Act"), or any town or borough to which, pursuant to the fourteenth section of the said Act, a charter of incorporation has been or shall be granted; and the word "mayor" as to the city of Dublin shall mean "Lord Mayor." The said Act and the Acts amending it are herein-after
15 referred to as "the said Acts."

3. From and after the *passing of this Act*, so much of each and all of the said Acts as relates to the qualifications necessary to entitle any person to be, and to be enrolled as, a burgess in any borough shall be and the same is hereby repealed. In lieu of the
20 qualification prescribed by the said Acts, the qualification in this Act herein-after prescribed shall be deemed to be substituted.

4.—(1.) Every person who is qualified as follows; that is to say,
(a.) Who is of full age; and
(b.) Who on the *thirty-first day of August* in any year is, and during the whole of the preceding twelve calendar months has been, an occupier of any house, warehouse, counting-house, shop, or other building within any borough; and
25 [Bill 15.] Qualification for municipal franchise.

A.D. 1888.

- (c.) Who shall also during the period of six calendar months next preceding said day have resided within such borough, or within seven statute miles of the same; and
- (d.) Who shall have been rated in respect of such premises so occupied by him in all rates made under the Acts for the relief of the destitute poor in Ireland during said twelve calendar months; and
- (e.) Who on or before said *thirty-first day of August* shall have paid or discharged all rates (if any) made prior to the preceding *first day of January* (including borough rates) as shall have become payable by him in respect of such premises during his occupation thereof,

shall be entitled to be enrolled in that year in the burgess roll for such borough according to the provisions of the said Acts, and when so enrolled shall be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough.

(2.) The said premises so to be occupied need not be the same premises or in the same parish or union, but may be different premises occupied in immediate succession by such person in the same parish or union, or in different parishes or unions.

(3.) A person occupying any such premises as aforesaid jointly with any other person or persons shall be deemed an occupier of such premises within the meaning of this section.

(4.) In and for the purposes of this Act, the terms house, warehouse, counting-house, shop, or other building, include any part of a house, whether separately rated or not, where that part is separately occupied for the purposes of residence, or of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as dwelling, office, chambers, studio, or by any like term applicable to the case. Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

(5.) A person shall not be disqualified from being enrolled or voting as a burgess as aforesaid in respect of the occupation of any house by reason only that during a part of said twelve calendar months, not exceeding four months in the whole, he has, by letting or otherwise, permitted such house to be occupied as a furnished dwelling-house by some other person, and during such occupation by another person has not resided in or within seven miles of the borough.

(6.) The said distance of seven statute miles shall be computed by the nearest public road or way, by land or water. A.D. 1888.

5 5. No person being an alien shall under the provisions of this Act be enrolled as a burgess in any year; and no person shall be so enrolled in any year who within twelve calendar months next before the said *thirty-first day of August* shall have received relief, other than medical relief, under the Acts for the relief of the destitute poor in Ireland. Exclusion from franchise.

10 6. Nothing in this Act contained shall affect any existing burgess roll, and every such roll shall continue in full force and effect in all respects as if this Act had not been passed. Savings rights under existing burgess rolls.

15 7. In case any such house, warehouse, counting-house, shop, or other building, as aforesaid, in any borough, shall come to any person by descent, marriage, marriage-settlement, devise, bequest, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy, and rating in respect of the occupancy thereof, by the person from or by whom any such premises as aforesaid shall have so come to him as his own occupancy and rating, and shall be entitled to be enrolled and be a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided. Rating in the name of the predecessor shall, until a new rate is made after the date of the succession, be equivalent to rating in the name of the successor, and the successor shall not be required to prove his own residence, occupancy, or rating before the succession. Provision as to premises acquired by descent, &c.

8. Where any rate is payable in instalments, payment of any instalment shall, for the purposes of this Act, be deemed a payment of such rate in respect of the period to which the instalment applies. Rate payable by instalments.

30 9. From and after the *passing of this Act*, no person shall be enrolled in the burgess roll of any borough for the purpose of enjoying the rights for the first time conferred by the said Acts or this Act in respect of any title other than by residence, occupancy, rating and payment of taxes within such borough according to the meaning and provisions of this Act. No burgess to be enrolled who is not qualified under this Act.

10. Where in the case of any such premises as aforesaid the immediate lessor or owner of same is primarily liable to pay the poor rates payable out of such premises, the name of the occupier shall, notwithstanding, be inserted in the rate book and the guardians of the poor, or the collector-general of rates, as the case

Name of occupier to be entered in rate book.

A.D. 1888, may be, or any other person or persons making out any such poor rate, shall enter in the occupiers column of the rate book the name of the occupier of any such premises, who shall thereupon, so far as regards qualification for any franchise conferred by this or any other Act, be deemed to be rated in respect of same. If any clerk of 5 union, collector-general, or other person, negligently or wilfully, and without reasonable cause, omits the name of the occupier of any such premises from the rate book, or negligently or wilfully mis-states any name therein, such person shall for every such omission or mis-statement be liable to a penalty not exceeding *two pounds*, 10 to be recovered by civil bill before the county court judge or recorder within whose jurisdiction such person resides, at suit of the occupier of the premises in relation to which such omission or mis-statement shall have taken place: Provided that any occupier whose name shall be so omitted or mis-stated shall, notwithstanding 15 such omission or mis-statement, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon his occupation of, or upon his being rated in respect of, any such premises, in the same manner as if his name had not been so omitted or mis-stated. 20

Notwithstanding anything contained in the sixty-third section of the Act of the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one, this section shall apply to any such premises as aforesaid, situate within the city of Dublin, whatever the nature of the tenancy under which the occupier holds such 25 premises.

Owner or immediate lessor to supply list of occupiers.

11. Every immediate lessor or owner who is primarily liable to pay the poor rates payable out of any such premises as aforesaid shall deliver to the poor rate collector, or collector-general, as the case may be, from time to time when required by him, a list in 30 writing, containing the names of the occupier or occupiers of such premises; and if any such immediate lessor or owner wilfully or negligently omits to deliver such list when required to do so, or wilfully or negligently omits therefrom or mis-states therein the name of any occupier, he shall for every such omission or mis-state- 35 ment be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction he resides, at suit of the occupier whose name has been so omitted or mis-stated.

Occupier, though not primarily liable, may pay taxes.

12. Where the immediate lessor or owner of any such premises 40 as aforesaid is primarily liable to pay the taxes payable out of same, and the payment of which is necessary by law to entitle the occupier

of such premises to be enrolled in the burgess roll, and such immediate lessor or owner omits or neglects to pay any such taxes within four months after the making thereof, the occupier of said premises may, at any time after the expiration of such period of four months, pay so much of said taxes as may be necessary to qualify him to be enrolled in the burgess roll, and to be a burgess pursuant to the fourth section of this Act; and every such occupier so paying such taxes may deduct from the rent which he may then or next thereafter be liable to pay in respect of said premises the whole of any taxes so paid by him; and if rent to the amount of such taxes be not then or do not thereafter become due from such occupier, he shall be entitled to recover such proportion of the said taxes as he has thus been unable to deduct from his rent from the said immediate lessor or owner by civil bill. Nothing contained in this section shall prejudice or affect any right or liability of any such occupier as aforesaid under any Acts relating to the assessment, levying, or collection of any such taxes.

A.D. 1888.

13.—(1.) Where any taxes due in respect of any such premises as aforesaid, previously to the first day of January in any year, and the payment of which is necessary by law to entitle the occupier of such premises to be enrolled in the burgess roll, remain unpaid on the first day of May following, the guardians of the poor in boroughs other than in Dublin, and in Dublin the collector-general of rates, shall, on or before the twentieth of the same month of May, unless such taxes have previously been paid, give or cause to be given a notice in the form (Number 1) set forth in the schedule to this Act, or to the like effect, to the occupier of such premises. The notice shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the taxes are payable, and in case no such person can be found, such notice shall be deemed to have been duly given if affixed upon some conspicuous part of the said premises. Any person who shall negligently or wilfully withhold any such notice shall for every such offence be liable to a penalty not exceeding two pounds, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction such person resides by the occupier of the premises in question.

Occupier to
receive
notice of
nonpayment
of taxes.

(2.) Where any such premises as aforesaid, situate within any borough within the meaning of this Act, are also situate within any city, town, or parliamentary borough entitled to return a member or members to serve in Parliament, and such premises are capable of conferring the parliamentary franchise for such city, town, or

A.D. 1888.

borough the notice to the occupier of such premises herein-before in this section referred to shall be in the form (Number 2) set forth in the schedule to this Act, or to the like effect.

(3.) This section shall apply to any such premises as aforesaid, notwithstanding that the immediate lessor or owner thereof is primarily liable to pay the taxes herein-before in this section mentioned payable out of same.

Town clerk
to publish
notice re-
quiring pay-
ment of
taxes.

14.—(1.) The town clerk of every borough shall, on or before the *fifth day of June* in every year, publish a notice in printing or writing, according to the form (Number 3) in the schedule to this Act annexed, or to the like effect, stating that no person will be entitled to have his name inserted in any list of burgesses for such borough then next to be made in respect of the occupation of any such premises, as aforesaid, situate within such borough, unless on or before the *thirty-first day of August* then next ensuing all taxes which shall have become payable in respect of said premises previously to the preceding *first day of January*, and the payment of which is necessary by law to entitle him to be enrolled in the burgess roll, shall have been paid; and such notice shall accurately set forth what such taxes are.

(2.) Where the whole or part of the area of a borough within the meaning of this Act is co-extensive with or included in the area of any city, town, or parliamentary borough entitled to return a member or members to serve in Parliament, the notice herein-before in this section referred to shall be in the form (Number 4) set forth in the schedule to this Act, or to the like effect, and in the case of such borough shall be deemed to be in lieu of the notice referred to in the thirtieth section of the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine.

(3.) A notice by this section required to be published shall be so published by being affixed and kept in some public and conspicuous situation, near the outside of the outer door of each and all the buildings herein-after mentioned, that is to say, every town-hall, every post office and telegraph office occupied by or on behalf of Her Majesty's Postmaster General, every church, chapel, and other place of public worship, and every public or municipal office, such building (in the case of the notice herein-before in this section first mentioned [form Number 3]) being within the municipal borough, or (in the case of the notice herein-before in this section secondly mentioned [form Number 4]) being within either the municipal borough or the parliamentary borough.

15. Where any person shall have been an occupier of any such premises as aforesaid during the period in the fourth section of the Act prescribed, and such person, being the person liable to be rated for such premises, shall have bona fide paid, on or before the *thirty-first day of August* in such year, all poor rates which became payable in respect of said premises previously to the preceding *first day of January*, such person shall, as and from the time when his occupation of such premises commenced, be deemed to be and to have been rated to the relief of the poor in respect of such premises within the meaning of the fourth section of this Act, and shall be entitled, if otherwise qualified, to be enrolled in the burgess roll, and, when so enrolled, to be a burgess of the said borough in respect of such premises in any year, any error, omission, misnomer, misdescription, or insufficient description in any rate of the person so occupying, or of the premises so occupied, notwithstanding.

A.D. 1883.

Error or omission in rating not to affect qualification.

16. Except as relates to the qualification of burgesses, or as otherwise expressly provided, this Act shall not in any manner affect the making out of the lists of burgesses for any borough now required by law to be made out preparatory to the revision of the burgess roll of such borough, or the enrolment of burgesses for such borough, or the revision of any such lists, or the preparation of the burgess roll, and all the provisions of any statute relating to such lists or roll, and the preparation and revision of same, or otherwise, to the enrolment of burgesses for any borough, shall, except as expressly modified by this Act, and except as regards the qualification of burgesses, continue in full force and effect as if this Act had not been passed, and shall apply with the necessary modifications to any person hereby authorised to be enrolled as and be a burgess, and to the extended borough franchise hereby conferred. Such of the provisions of the said Acts as relate to or affect the borough franchise in existence prior to the date of the passing of this Act, or the enrolment of burgesses on whom such franchise is conferred (including the provisions of the said Acts as regards claims to be rated in respect of any such premises as aforesaid) shall, with the necessary modifications, extend and apply to the franchise conferred by the fourth section of this Act, and shall be read and construed as if in terms made applicable to same. All persons making out or revising any such lists, or preparing any burgess roll, or doing any act in relation to the same, shall have and they are hereby required to have regard to the provisions of this Act as regards the qualification of burgesses and otherwise, as

Lists of burgesses to be made out and revised with regard to this Act.

A.D. 1888. if such qualification had been prescribed in the Acts under which such lists are made out.

Words which import the masculine gender to include females.

17. In this Act and the said Acts, wherever words occur which import the masculine gender, the same shall nevertheless be held to include females for all purposes connected with and having reference to the right to vote in the election of councillors, aldermen, auditors, and assessors.

Extent of Act.

18. This Act shall not apply to England or Scotland.

SCHEDULE.

A.D. 1885.

FORM No. 1.

Notice to Occupier that Taxes are unpaid.

To A.B.,

51 Municipal borough of

Take notice that you will not be entitled to have your name inserted in the burgess lists for the municipal borough of _____, now about to be made out, in respect of the premises in your occupation in [street or place], unless on or before the thirty-first day of August next the taxes under-mentioned, due from you in respect of said premises previously to the first day of January last, amounting to £ _____, are paid, and in case such payment is not made as aforesaid you will be incapable of being on the next burgess roll for the said municipal borough. [Here set forth accurately the taxes required to be paid to entitle the occupier to be enrolled in the burgess

15 roll.]

Dated the _____ day of May 18 ____.

(Signed) C.D. [Clerk, Collector of Poor Rates, or Collector General, or other person having authority to give the notice.]

20

FORM No. 2.

Notice that Taxes are unpaid to Occupier of Premises in Parliamentary Borough.

To A.B.,

25 Parliamentary Borough of
Municipal Borough of

Take notice that you will not be entitled to have your name inserted in the list of parliamentary voters for the parliamentary borough of _____, now about to be made out, in respect of the premises in your occupation in [street or place], unless on or before the first day of July next all poor rates due in

30 [15.]

C

A.D. 1888. respect of said premises up to the first day of January last, amounting to £ , are paid by you or by the owner of the premises, and in case such payment is not made as aforesaid you will be incapable of being on the next register of parliamentary voters for the said parliamentary borough.

And take further notice, that you will not be entitled to have your name 5 inserted in the burgess lists for the municipal borough of , now about to be made out, in respect of the premises in your occupation in [street or place], unless on or before the thirty-first day of August next the taxes under-mentioned, due from you in respect of said premises previously to the first day of January last, and which (including the sum mentioned above as 10 due for poor rate) amount to £ , are paid, and in case such payment is not made as aforesaid you will be incapable of being on the next burgess roll for the said municipal borough. [Here set forth accurately the taxes required to be paid to entitle the occupier to be enrolled in the burgess roll]

Dated this day of May 18 . 15

(Signed) C.D. [Clerk or Collector, or Collector General, or other persons having authority to give the notice.]

FORM No. 3.

20

Notice to be published by the Town Clerk in a Municipal Borough only.

Municipal borough of to wit { I hereby give notice that no person will be entitled to have his name inserted in any list of burgesses of the 25 municipal borough of , now about to be made in respect of the occupation of any property situate within such borough, unless on or before the thirty-first day of August next all the taxes hereinafter mentioned, which have become payable in respect of those premises previously to the first day of January last past, shall have been paid, and in case such payments are not made as aforesaid each persons will be incapable of 30 being upon the next burgess roll for this borough in respect of those premises.

Dated this day of 18 .

(Signed) A.B., Town Clerk of said Borough.

The taxes required to be paid to entitle the occupier of any premises to be 35 enrolled in the burgess roll are [poor rates, borough rate, or otherwise as the case may be].

FORM NO. 4.

A.D. 1888.

Notice to be published by the Town Clerk in a Parliamentary and Municipal Borough.

- 5 Parliamentary borough of { I hereby give notice that no person will be entitled to have his name inserted in any list of parliamentary voters for the parliamentary borough of , now about to be made, in respect of the occupation of premises rated under the last rate for the relief of the destitute poor separately or together at a net annual value of 10*l*. or upwards, or in the case of joint occupiers 10*l*. or upwards for each of such joint occupiers, or as inhabitant occupier of a dwelling-house, unless on or before the first day of July next all the poor rates (if any) due in respect of such premises before the first day of January last past shall have been paid; and in case such payments are not made as aforesaid such persons will be incapable of being upon the next register of
- 10 parliamentary voters for this borough in respect of those premises.
- 15 Municipal borough of { And I hereby give further notice that no person will be entitled to have his name inserted in any list of burgesses of the municipal borough of , now about to be made, in respect of the occupation of any property situate within such borough, unless on or before the thirty-first day of August next all the taxes hereinafter mentioned, which have become payable in respect of those premises previously to the first day of January last past, shall have been paid, and in case such payments are not made as aforesaid such persons will be incapable of being upon the next burgess roll for this borough in respect of those
- 20 premises.
- 25

Dated this day of , 18 .

(Signed) A.B., Town Clerk of said borough.

The taxes required to be paid to entitle the occupier of any premises to be enrolled in the burgess roll are [poor rates, borough rate, or otherwise, as the case may be].

30

**Municipal Franchise
(Ireland).**

B I L L

**To amend the Law relating to the
Municipal Franchise in Ireland.**

*(Prepared and brought in by
Mr. Henry Campbell, Mr. Butler,
Mr. T. B. Sturdy, Mr. Dawson, Mr. T. D. Sullivan,
Mr. Croft, and Mr. Thomas Kennedy.)*

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